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PATENT
Attorney Docket No.: 020366-077310

5

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

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ORIGINALLY FILED

On 1/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: Don Mixon
Don Mixon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Cerami, et al.

Application No.: 09/921,285

Filed: August 1, 2001

For: PROVISIONING SYSTEM AND
METHOD FOR AUTO-DISCOVERING
CUSTOMER PREMISES EQUIPMENT
IN ACTIVATING xDSL

Examiner: Unassigned

Art Unit: 2161

PETITION UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

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OFFICE OF PETITIONS

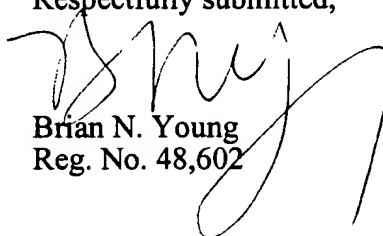
Dear Sir:

Applicants respectfully petition for filing under 1.47(a) for the above-referenced case. Signed Declarations and Assignments are being filed from two of the three joint inventors for this case. The second inventor, Mr. Timothy Figueroa, could not be reached after diligent efforts. The Declarations of Brian N. Young and Chad Hilyard which include proof of the pertinent facts and the last known address of the non-signing inventor, are provided herewith in support of this Petition.

This application is made by the other two inventors on behalf of the non-signing inventor, Mr. Timothy Figueroa. The commissioner is authorized to charge the fee set forth in 37 CFR § 1.17(i) (\$130.00) to the undersigned's Deposit Account No. 20-1430.

Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in triplicate.

Respectfully submitted,



Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
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BNY/dxm

SF 1306380 v1

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Art Unit: 2161

DECLARATION OF CHAD S. HILYARD
IN SUPPORT OF PETITION UNDER 37
C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Chad S. Hilyard, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application along with Brian N. Young ("Brian"). In addition to Brian's efforts, I also have made diligent efforts to contact Mr. Timothy Figueroa, an inventor for the above-referenced case and previously an employee of Qwest.

On or about November 6, 2001, Brian contacted me and asked me to call Mr. Figueroa, because he had not responded to Brian's letter requesting him to review the patent application and execute the declaration and assignment documents.

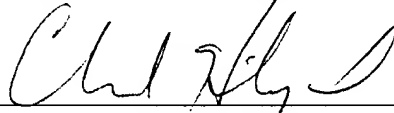
Between about November 10, 2001 and December 10, 2001, I called Mr. Figueroa at his work phone number (720-535-7700) at least four times and spoke to him at least three times. The first two times I spoke with Mr. Figueroa, he was very evasive. Specifically, he was hesitant to talk to me, but indicated that he had the declaration and assignment documents

at home, and requested that I call him back in a couple of days, which I did. On December 10, 2001, the last time I spoke with Mr. Figueroa, he indicated that he would not sign and return the declaration and assignment documents. Then, he hung-up on me.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: _____

1/9/2002



Chad S. Hilyard

TOWNSEND and TOWNSEND and CREW LLP
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Assistant Commissioner for Patents
Washington, D.C. 20231

On 1/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: Don Mura

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Richard Cerami, et al.

Application No.: 09/921,285

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Art Unit: 2161

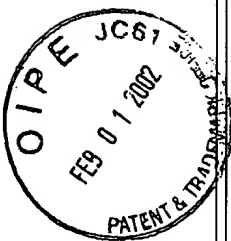
DECLARATION OF BRIAN N. YOUNG
IN SUPPORT OF PETITION UNDER 37
C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Brian N. Young, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application. I have made diligent efforts to contact Mr. Timothy Figueroa, an inventor for the above-referenced case and previously an employee of Qwest.

On August 1, 2001, the above-referenced patent application was filed by Qwest with missing parts. On September 10, 2001, a Notice to File Missing Parts from the U.S. Patent Office was mailed to our office.

Therefore, I prepared the declaration and assignment documents for the above-referenced patent application and forwarded them to all the inventors (including Mr. Timothy Figueroa), along with the patent application as filed and a cover letter instructing them to review the application and execute the documents on September 27, 2001. A copy of the cover letter is attached as Exhibit A, the cover letter shows Mr. Figueroa's last known address,

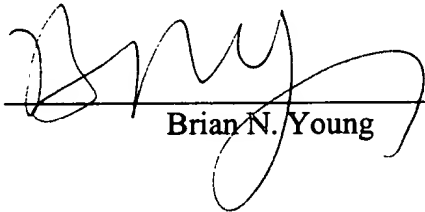


which is 15231 East Hialeah Place, Aurora, Colorado 80015. A reminder was mailed by Federal Express November 1, 2001. A copy of the Federal Express label receipt is attached hereto as Exhibit B.

The Federal Express Package was signed by L. Figueroa on November 2, 2001, we believe Mr. Figueroa received the documents, as shown in the declaration of Chad Hilyard, Mr. Figueroa was contacted at the address and has not signed the declaration and assignment documents.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

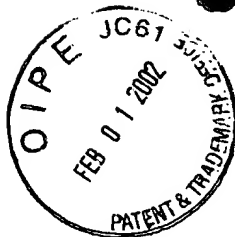
Date: 1/10/02



Brian N. Young

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krbackus@townsend.com

COPY OF PAPERS
ORIGINALLY FILED

October 18, 2001

VIA FEDEX

Richard S. Cerami
1475 Lawrence Street, #400
Denver, CO 80202

Roxanna Storaasli
1475 Lawrence Street, 4th Floor
Denver, CO 80202

Timothy Figueroa
15231 East Hialeah Place
Aurora, CO 80015

REMINDER

sent 11/01/01

Re: US Patent Application No. 09/921,285
For: PROVISIONING SYSTEM AND METHOD FOR AUTO-DISCOVERING
CUSTOMER PREMISES EQUIPMENT IN ACTIVATING xDSL
Inventors: Richard S. Cerami, Timothy Figueroa, Roxanna Storaasli
Filed: August 1, 2001
Our File No.: 020366-077310US

Dear Sirs/Madam:

Enclosed with each letter to the above-referenced inventors is a copy of the subject patent application as filed with the U.S. Patent and Trademark Office on August 1, 2001. All information concerning this application should be kept confidential.

Because this application was filed without a signed Declaration, it is now required that we file the following executed documents with the U.S. Patent Office to complete the filing formalities.

(1) Declaration to be signed and dated by each inventor.

(2) Assignment to also be signed and dated by each inventor. Please note that the Assignment should be signed before a notary. On the first page of the Assignment, include the date the Declaration is/was executed.

Once the above documents have been executed, please return all of them to us so that we can file them with the U.S. Patent and Trademark Office. The deadline for filing the formal documents with the USPTO is **November 10, 2001**.

If you have any questions about the completion of these documents, please do not hesitate to contact me at the above telephone number or email address.

Very truly yours,


Kenneth R. Backus, Jr.

KRB:elc

Enc.: -Copy of application as filed
-Formal documents

SF 1282777 v1

Tracking #: 475345085436

Service Type: PG

Activity	City	St	Date	Time
Delivered	ENGLEWOOD	CO	11/02	09:55
Placed on Van	ENGLEWOOD	CO	11/02	08:13
Arrived at FedEx Dest Loc	ENGLEWOOD	CO	11/02	07:46
Left FedEx Ramp	DENVER	CO	11/02	06:41
Arrived at FedEx Ramp	DENVER	CO	11/02	05:41
Pkg Left FedEx Sort Facility	OAKLAND	CA	11/02	04:13
Arrived at Sort Facility	OAKLAND	CA	11/01	21:29
Left FedEx Origin Location	SAN FRANCISCO	CA	11/01	19:32
Pickup Exception	SAN FRANCISCO	CA	11/01	15:43

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Delivery time.: 09:55

Signed for by.: L.FIGUEROA

Delivery Address: 15231 E HIALEAH PL